

### **REMARKS**

This amendment is in response to the final office action mailed April 7, 2008. Prior to this amendment, claims 16-30 were pending, claims 1-13 were cancelled and claims 14 and 15 were withdrawn. By the present amendment, Applicants have amended claim 16 and cancelled claims 29 and 30. Accordingly, claims 16-28 are presented for consideration.

#### **Rejection Under 35 U.S.C. § 103**

In the final office action, the examiner has rejected claims 16-30 as obvious under 35 U.S.C. §103(a) in view of U.S. Patent No. 5,972,895. According to the examiner, the '895 patent discloses use of GHRP and other compounds for stimulating growth of fish and crustaceans.

The examiner indicates it would have been obvious to one of ordinary skill in the art to treat fish and crustaceans with GHRP-6 for the purpose of increasing body weight and thereby increasing their resistance to disease from parasites. The examiner bases this conclusion on the '895 patent which "clearly recognizes that GH compounds are useful for treating these animals." (Office Action, p. 4.)

In response Applicants have amended claim 16 to specify administration of GHRP-6 including SEQ ID NO: 1 (His-D-Trp-Ala-Trp-D-Phe-Lys-NH<sub>2</sub>) to fish and crustaceans for the purpose of stimulating resistance to disease. U.S. Patent No. 5,972,895 discloses the use of the peptide (Gln/Glu)-D2methylTrp-Ala-Trp-D-Phe-Lys for enhancing blood GH levels in animals, enhancing milk production in cows, enhancing body growth, and increasing wool and/or fur production. (See U.S. Patent No. 5,972,895 column 2, lines 40-45.) However the '895 patent, does not indicate that such compounds can stimulate disease resistance in fish and crustaceans as claimed. This resistance is demonstrated in the present application as shown, for example, in Tables 3 and 4 (see application p. 12) wherein a decrease in infection rate was demonstrated.

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Accordingly, it would not have been obvious, in view of the '895 patent, to administer GHRP-6 for stimulating disease resistance in fish and crustaceans. Applicants respectfully request that the rejection be reconsidered and withdrawn.

### **Conclusion**

In view of the foregoing amendments and remarks, entry of the amendments and favorable consideration of the claims is respectfully requested. If the examiner has any questions or concerns regarding this amendment, he is invited to contact the undersigned at the telephone number listed below.

If any additional fees are due or any overpayment has been made in connection with filing this paper, please charge our Deposit Account No. 08-2461 or credit our Deposit Account for such sum.

Respectfully submitted,

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